

Wisconsin Assembly Passes "Concealed Carry" Bill

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On Tuesday, June 21, 2011, the Wisconsin State Assembly passed SB93, known as the "Concealed Carry" bill, and submitted the bill to Wisconsin's Governor for his signature. If signed by the Governor, the bill allows licensed individuals to go armed with a concealed weapon. Individuals who (1) are 21 or older, (2) have cleared a background check, (3) are not otherwise prohibited from carrying a gun, and (4) complete a training program, are eligible to receive a license, which is valid for five years. In addition, individuals from other states may carry concealed weapons in Wisconsin as long as they have gone through training and a background check in their home state. All concealed carriers must have their license and photo identification with them while they are carrying a concealed weapon.

Taking effect immediately upon publication is certain immunity from a disorderly conduct charge. A licensee may not be charged with disorderly conduct for loading, carrying, or going armed with a firearm, so long as there is an absence of criminal or malicious intent.

Certain locations are restricted. The bill prohibits a licensee from carrying a concealed weapon in a police station, a jail, a secured mental health institution as defined by state law, a courthouse, and a place beyond the security checkpoint in an airport. However, the bill permits the presence of weapons in vehicles driven or parked at the above locations.

Concealed carry is permitted in certain other public buildings and in city and state parks, although governmental entities may opt to prohibit weapons from public buildings. If they choose to do so, they must post a sign alerting individuals to the prohibition.

The bill contains provisions for employers. Although an employer may prohibit an employee from carrying a concealed weapon during the course of the employee's employment, the employer may not prohibit an employee from carrying a concealed weapon as a condition of employment. An employer that permits employees to carry a concealed weapon is immune from liability that might arise from that decision. In contrast, an employer that prohibits employees from carrying concealed weapons does not enjoy such immunity.

As with employers, private individuals who allow concealed carry on their property are immune from liability arising from that decision. Those wishing to prohibit concealed carry on their property, however, must post signs with such notification.

A spokesperson for the Governor has indicated that the Governor will release a timeframe within which he will sign the bill. Once the Governor signs the bill, the Secretary of State has 10 days to publish it. The bill will then take effect on the first day of the fourth month after the Secretary of State publishes it, meaning that the bill could become law on October 1, 2011 or on November 1, 2011, depending on the publication date.

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